

JAN 20 2010

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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 132D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§132D-     Fireworks surcharge. (a) There is levied and  
5 assessed at the wholesale and retail levels on every sale of  
6 consumer fireworks made pursuant to this chapter, a fireworks  
7 surcharge equal to           per cent of the amount collected from  
8 the sale.

9           Payment of the surcharge to the State shall be the  
10 responsibility of persons licensed under section 132D-7 who sell  
11 consumer fireworks.

12           (b) The department of taxation shall prescribe necessary  
13 forms and may adopt rules pursuant to chapter 91 to administer  
14 and effectuate this section."

15           SECTION 2. Section 132D-2, Hawaii Revised Statutes, is  
16 amended by amending the definition of "cultural" to read as  
17 follows:



1            ""Cultural" means relating to the arts, customs,  
2 traditions, mores, and history of all of the various ethnic  
3 groups of Hawaii[-] and includes religious events held in the  
4 State."

5            SECTION 3. Section 132D-3, Hawaii Revised Statutes, is  
6 amended to read as follows:

7            "**§132D-3 Permissible uses of consumer fireworks.** Consumer  
8 fireworks may be set off, ignited, discharged, or otherwise  
9 caused to explode within the State only:

10           (1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New  
11 Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New  
12 Year's Day; and from 1:00 p.m. to 9:00 p.m. on the  
13 Fourth of July; or

14           (2) From 9:00 a.m. to 9:00 p.m. as allowed by permit  
15 pursuant to section 132D-10 if the proposed cultural  
16 use is to occur at any time other than during the  
17 periods prescribed in paragraph (1) [+

18 ~~provided that the purchase of not more than five thousand~~  
19 ~~individual consumer fireworks commonly known as firecrackers~~  
20 ~~shall be allowed under each permit]."~~

21            SECTION 4. Section 132D-10, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "§132D-10 Permits. (a) [A] Except as provided in  
2 subsection (b), a permit shall be required for the purchase and  
3 use of:

4           (1) Any consumer fireworks [~~commonly known as~~  
5 ~~firecrackers~~] upon payment of a fee of [~~\$25,~~] \$50;

6           (2) Any aerial devices, display fireworks, or articles  
7 pyrotechnic for the purposes of section 132D-16 upon  
8 payment of a fee of \$110; and

9           (3) Any consumer fireworks for the purposes of section  
10 132D-5 or for cultural uses that occur at any time  
11 other than during the periods prescribed in section  
12 132D-3(1) upon a payment of a fee of [~~\$25,~~] \$50.

13           (b) The purchase of more than \$25 worth of consumer  
14 fireworks under paragraphs (1) or (3) shall require the payment  
15 of the following fees:

<u>Fireworks purchase of:</u>	<u>Fee:</u>
<u>More than \$25, but less than \$100</u>	<u>\$100;</u>
<u>At least \$100, but less than \$150</u>	<u>\$150;</u>
<u>At least \$150, but less than \$200</u>	<u>\$200; and</u>
<u>\$200 or more</u>	<u>\$500.</u>

21           (c) Only one permit shall be issued per person under  
22 paragraphs (1) or (3) and the purchase of not more than five

1 thousand individual consumer fireworks commonly known as  
2 firecrackers shall be allowed for each permit issued.

3 (d) Fees collected under this section shall be credited to  
4 the county that collected the fee."

5 SECTION 5. Section 132D-14, Hawaii Revised Statutes, is  
6 amended by amending subsections (b) and (c) to read as follows:

7 "(b) Except as provided in subsection (a) or as otherwise  
8 specifically provided for in this chapter, any person violating  
9 any other provision of this chapter, shall be fined not more  
10 than [~~\$2,000~~] \$10,000 for each violation.

11 (c) The court shall collect the fines imposed in  
12 subsections (a) and (b) for violating this chapter and [~~of the~~]  
13 transfer all fines collected [~~shall pay twenty per cent to the~~  
14 ~~State and eighty per cent to the county in which the fine was~~  
15 ~~imposed which shall be expended by the county for law~~  
16 ~~enforcement purposes.] into the general fund."~~

17 SECTION 6. (a) The state fire council shall conduct a  
18 study to determine the negative effects from the use of  
19 fireworks in the State. The study shall include the costs  
20 incurred by public agencies responding to fireworks incidents,  
21 especially during the new year's and the fourth of July  
22 holidays.



1 (b) The directors of finance of each county shall allocate  
2 funds collected under section 132D-10, Hawaii Revised Statutes,  
3 pursuant to an equitable formula devised by the state fire  
4 council to fund the study under subsection (a).

5 SECTION 7. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect upon its approval.  
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**Report Title:**

Fireworks; State Fire Council; Surcharge

**Description:**

Increases the fee to purchase consumer fireworks. Generally, increases the penalty for fireworks violations. Transfers all proceeds collected from fireworks violations to the state. Requires a study on the negative effects of the use of fireworks in the State. Includes religious events in the definition of "cultural". Imposes a graduated fireworks fee system to discourage large purchases of fireworks.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

